

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE JULY 20, 2001

AMENDED IN SENATE JUNE 18, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1132

Introduced by Assembly Member Canciamilla

February 23, 2001

An act to amend Sections 2557.5, 2558, 37252, 37253, ~~42238.12~~, and 42241.7 of, to amend and repeal Section 14002.1 of, to add Sections 14002.2, 14002.4, 37252.9, 37252.10, ~~and 37252.11~~ 37252.11, and 42238.125 to, ~~and~~ to add *and repeal Section 42238.146 of*, and repeal Section 14002.3 and to repeal Section 42238.146 of, the Education Code, and to amend Section 62 of Chapter 78 of the Statutes of 1999, as amended by Chapter 76 of the Statutes of 2000, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as amended, Canciamilla. Charter schools.

(1) Existing law authorizes the revenue limit of any county superintendent of schools or elementary, high, or unified school district to be annually adjusted by an amount sufficient to provide additional revenue needed for unemployment insurance. Existing law requires the Superintendent of Public Instruction to annually compute the statewide average amount of general-purpose funding for school districts. Existing law requires the superintendent to calculate the general-purpose entitlement funds of a charter school, which is funded pursuant to a charter school block grant, based on that computation.

This bill would provide that expenditures for school employees of charter schools that are funded pursuant to a charter school block grant are excluded from the adjustment calculations pertaining to unemployment insurance.

(2) Under existing law, the Controller is required during each fiscal year commencing with the 1980–81 fiscal year, to transfer from Section A of the State School Fund such sums, in addition to the sums accruing from other sources, that provide in Section A of the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state, as certified by the Superintendent of Public Instruction, of \$180. Existing law requires the Controller, commencing with the 1999–2000 fiscal year, to also transfer additional amounts necessary to meet computed apportionments of general-purpose funding for charter schools. These provisions pertaining to the transfer of those additional amounts for charter schools become inoperative on July 1, 2002, and are repealed on January 1, 2003.

Existing law, notwithstanding any provision of law to the contrary, for purposes of determining certain amounts to be certified pursuant to those provisions, requires the Superintendent of Public Instruction to use the property tax estimates received from county auditors pursuant to specified provisions of the Revenue and Taxation Code.

This bill would also require the Superintendent of Public Instruction, until July 1, 2004, to use the property tax estimates received from county auditors pursuant to specified provisions of the Revenue and Taxation Code when determining general purpose funding for charter schools under specified provisions, and would make conforming changes in related provisions.

(3) Existing law requires the Superintendent of Public Instruction to apportion state aid to county superintendents of schools. Existing law requires the county superintendent to adjust the total revenue limit computed by the amount of increased or decreased employer contributions to the Public Employees' Retirement System resulting from certain circumstances.

This bill would provide that employer contributions for employees of charter schools funded pursuant to a charter school block grant are excluded from these adjustment calculations.



(4) Existing law authorizes the governing board of each school district and a charter school to offer various types of supplemental instructional programs for pupils of various ages. Existing law authorizes those supplemental instructional programs to be offered during the summer, before school, after school, on Saturday, or during intersession, or in any combination of summer, before school, after school, Saturday, or intersession instruction, but in addition to the regular schoolday.

This bill would prohibit a charter school that receives funding for that purpose from providing those supplemental instructional programs on any day for which the charter school claims attendance for the purposes of receiving base revenue limit funding or block grant funding under the Charter Schools Act, *but would allow a charter school to provide those supplemental instructional programs for pupils enrolled in multi-track, year-round programs on days when the school's instructional day meets specified minimum instructional day requirements.*

The bill would require the Superintendent of Public Instruction, for the ~~2001-02~~ 2002-03 fiscal year and each fiscal year thereafter, to compute funding for supplemental instruction for each charter school, and would establish the maximum entitlement of a charter school for reimbursement for pupil hours of attendance for supplemental instruction, pursuant to a prescribed formula.

(5) *Existing law requires the Controller during each fiscal year to transfer from the General Fund to Section A of the State School Fund certain sums, as certified by the Superintendent of Public Instruction, for apportionment during the fiscal year.*

SB 347 of the 2001-02 Regular Session proposes to add provisions that would require the Superintendent of Public Instruction to certify to the Controller amounts that do not exceed amounts needed to fund the revenue limits of school districts and county superintendents of schools and the revenue limit portion of charter school operational funding, as those amounts are determined by specified statutes. SB 347 would, if enacted, take effect immediately as an urgency measure.

This bill would repeal those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

SECTION 1. Section 2557.5 of the Education Code is amended to read:

2557.5. (a) For the 1987–88 fiscal year, and each fiscal year thereafter, the revenue limit of any county superintendent of schools authorized pursuant to Section 2551 may be increased by an amount sufficient to provide additional revenue equal to the expenditure estimated to be incurred by the county superintendent of schools in the budget year in complying with the following provisions of the Unemployment Insurance Code: Sections 605 and 803, Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1, or Article 3 (commencing with Section 976) of Chapter 4 of Part 1 of Division 1, less the actual expenditures incurred by the county superintendent of schools in the 1975–76 fiscal year in complying with the following provisions of the Unemployment Insurance Code: Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1 and former Section 605.2.

(b) The increase in revenue limit provided in subdivision (a) shall be adjusted annually, including plus or minus adjustments for under- or over-estimating expenditures used in determining the increase in revenue limit provided by subdivision (a) in the previous fiscal year.

(c) For the 1994–95 fiscal year and each fiscal year thereafter, the amount of the increase computed pursuant to this section shall not be adjusted by the deficit factor applied to the revenue limit of each county superintendent of schools pursuant to Section 2558.45.

(d) Expenditures for employees of charter schools funded pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8 shall be excluded from the calculations set forth in this section.

SEC. 2. Section 2558 of the Education Code is amended to read:

2558. Notwithstanding any other provision of law, for the 1979–80 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall apportion state aid to county superintendents of schools pursuant to the provisions of this section.

(a) The Superintendent of Public Instruction shall total the amounts computed for the fiscal year pursuant to Sections 2550, 2551, 2551.3, 2554, 2555, and 2557. For the 1979–80 fiscal year and for purposes of calculating the 1979–80 fiscal year base amounts in succeeding fiscal years, the amounts in Sections 2550, 2551, 2552, 2554, 2555, and 2557, as they read in the 1979–80 fiscal year, shall be multiplied by a factor of 0.994. For the 1981–82 fiscal year and for purposes of calculating the 1981–82 fiscal year base amounts in succeeding fiscal years, the amount in this subdivision shall be multiplied by a factor of 0.97.

(b) For the 1995–96 fiscal year and each fiscal year thereafter, the county superintendent of schools shall adjust the total revenue limit computed pursuant to this section by the amount of increased or decreased employer contributions to the Public Employees’ Retirement System resulting from the enactment of Chapter 330 of the Statutes of 1982, adjusted for any changes in those contributions resulting from subsequent changes in employer contribution rates, excluding rate changes due to the direct transfer of the state-mandated portion of the employer contributions to the Public Employees’ Retirement System through the current fiscal year. The adjustment shall be calculated for each county superintendent of schools as follows:

(1) Determine the amount of employer contributions that would have been made in the current fiscal year if the applicable Public Employees’ Retirement System employee contribution rate in effect immediately prior to the enactment of Chapter 330 of the Statutes of 1982 were in effect during the current fiscal year.

(2) Determine the actual amount of employer contributions made to the Public Employees’ Retirement System in the current fiscal year.

(3) If the amount determined in paragraph (1) is greater than the amount determined in paragraph (2), the total revenue limit computed pursuant to this part for that county superintendent of schools shall be decreased by the amount of the difference between those paragraphs; or if the amount determined in paragraph (1) is less than the amount determined in paragraph (2), the total revenue limit for that county superintendent of schools shall be increased by the amount of the difference between those paragraphs.

(4) For the purposes of this subdivision, employer contributions to the Public Employees’ Retirement System for any

1 of the following positions shall be excluded from the calculation
2 specified above:

3 (A) Positions or portions of positions supported by federal
4 funds that are subject to supplanting restrictions.

5 (B) Positions supported by funds received pursuant to Section
6 42243.6.

7 (C) Positions supported, to the extent of employers
8 contributions not exceeding twenty-five thousand dollars
9 (\$25,000) by any single educational agency, from a non-General
10 Fund revenue source determined to be properly excludable from
11 this subdivision by the Superintendent of Public Instruction with
12 the approval of the Director of Finance.

13 (5) For accounting purposes, any reduction to county office of
14 education revenue limits made by this subdivision may be
15 reflected as an expenditure from appropriate sources of revenue as
16 directed by the Superintendent of Public Instruction.

17 (6) The amount of the increase or decrease to the revenue limits
18 of county superintendents of schools made by this subdivision for
19 the 1995–96 fiscal year or any fiscal year thereafter shall not be
20 adjusted by the deficit factor applied to the revenue limit of each
21 county superintendent of schools pursuant to Section 2558.45.

22 (c) The calculations set forth in paragraphs (1) to (3), inclusive,
23 of subdivision (b) shall exclude employer contributions for
24 employees of charter schools funded pursuant to Article 2
25 (commencing with Section 47633) of Chapter 6 of Part 26.8.

26 (d) The Superintendent of Public Instruction shall also subtract
27 from the amount determined in subdivision (a) the sum of: (1)
28 local property tax revenues received pursuant to Section 2573 in
29 the then current fiscal year, and tax revenues received pursuant to
30 Section 2556 in the then current fiscal year, (2) state and federal
31 categorical aid for the fiscal year, (3) district contributions
32 pursuant to Section 52321 for the fiscal year, and other applicable
33 local contributions and revenues, (4) any amounts that the county
34 superintendent of schools was required to maintain as restricted
35 and not available for expenditure in the 1978–79 fiscal year as
36 specified in the second paragraph of subdivision (c) of Section 6
37 of Chapter 292 of the Statutes of 1978, as amended by Chapter 51
38 of the Statutes of 1979, and (5) the amount received pursuant to
39 subparagraph (C) of paragraph (3) of subdivision (a) of Section



1 33607.5 of the Health and Safety Code that is considered property
2 taxes pursuant to that section.

3 (e) The remainder computed in subdivision (d) shall be
4 distributed in the same manner as state aid to school districts from
5 funds appropriated to Section A of the State School Fund.

6 (f) If the remainder determined pursuant to subdivision (d) is
7 a negative amount, no state aid shall be distributed to that county
8 superintendent of schools pursuant to subdivision (e), and an
9 amount of funds of that county superintendent equal to that
10 negative amount shall be deemed restricted and not available for
11 expenditure during the current fiscal year. In the next fiscal year,
12 that amount shall be considered local property tax revenue for
13 purposes of the operation of paragraph (1) of subdivision (d).

14 SEC. 3. Section 14002.1 of the Education Code is amended
15 to read:

16 14002.1. (a) Notwithstanding any provision of law to the
17 contrary, for purposes of determining the amounts to be certified
18 pursuant to Sections 14002 and 14004; allocations made pursuant
19 to Section 41301; the apportionments required to be made
20 pursuant to Sections 41330, 41332, and 41335; revenue limits for
21 school districts pursuant to Section 42238, as adjusted pursuant to
22 Sections 42238.14 and 42238.145; revenue limits for county
23 offices of education pursuant to Section 2558, as adjusted pursuant
24 to Sections 2558.4 and 2558.45; and general purpose funding for
25 charter schools pursuant to Section 47633, the Superintendent of
26 Public Instruction shall use the property tax estimates received
27 from county auditors pursuant to Section 75.70 of the Revenue and
28 Taxation Code.

29 (b) This section shall become inoperative on July 1, 2004, and
30 as of January 1, 2005, is repealed, unless a later enacted statute,
31 that is enacted before January 1, 2005, deletes or extends that date.

32 SEC. 4. Section 14002.2 is added to the Education Code, to
33 read:

34 14002.2. (a) Notwithstanding any provision of law to the
35 contrary, for purposes of determining the amounts to be certified
36 pursuant to Sections 14002 and 14004; allocations made pursuant
37 to Section 41301; the apportionments required to be made
38 pursuant to Sections 41330, 41332, and 41335; revenue limits for
39 school districts pursuant to Section 42238, as adjusted pursuant to
40 Sections 42238.14 and 42238.145; and revenue limits for county

1 offices of education pursuant to Section 2558, as adjusted pursuant
2 to Sections 2558.4 and 2558.45, the Superintendent of Public
3 Instruction shall use the property tax estimates received from
4 county auditors pursuant to Section 75.70 of the Revenue and
5 Taxation Code.

6 (b) This section shall become operative on July 1, 2004.

7 SEC. 5. Section 14002.3 is added to the Education Code, to
8 read:

9 14002.3. (a) Notwithstanding any other provision of law, for
10 the purposes of Sections 14002, 14004, and 41301, for the
11 2001–02 and, 2002–03, and 2003–04 fiscal years, the
12 Superintendent of Public Instruction shall certify to the Controller
13 amounts that do not exceed the amounts needed to fund the
14 revenue limits of school districts, as determined pursuant to
15 Section 42238, the revenue limits of county superintendents of
16 schools as determined pursuant to Section 2558, and the revenue
17 limit portion of charter school operational funding as determined
18 pursuant to Section 47633.

19 (b) This section shall become inoperative on July 1, 2004, and
20 as of January 1, 2005, is repealed, unless a later enacted statute,
21 that is enacted before January 1, 2005, deletes or extends that date.

22 SEC. 6. Section 14002.4 is added to the Education Code, to
23 read:

24 14002.4. (a) Notwithstanding any other provision of law, for
25 the purposes of Sections 14002, 14004, and 41301, for the
26 2004–05 fiscal year and every fiscal year thereafter, the
27 Superintendent of Public Instruction shall certify to the Controller
28 amounts that do not exceed the amounts needed to fund the
29 revenue limits of school districts, as determined pursuant to
30 Section 42238, and the revenue limits of county superintendents
31 of schools as determined pursuant to Section 2558.

32 (b) This section shall become operative on July 1, 2004.

33 SEC. 7. Section 37252 of the Education Code is amended to
34 read:

35 37252. (a) The governing board of each district maintaining
36 any or all of grades 7 to 12, inclusive, shall offer supplemental
37 instructional programs for pupils enrolled in grades 7 to 12,
38 inclusive, who do not demonstrate sufficient progress toward
39 passing the exit examination required for high school graduation

1 pursuant to Chapter 8 (commencing with Section 60850) of Part
2 33.

3 (b) Sufficient progress, as described in subdivision (a), shall be
4 determined on the basis of either of the following:

5 (1) The results of the assessments administered pursuant to
6 Article 4 (commencing with Section 60640) of Chapter 5 of Part
7 33 and the minimum levels of proficiency recommended by the
8 State Board of Education pursuant to Section 60648.

9 (2) The pupils' grades and other indicators of academic
10 achievement designated by the district.

11 (c) For purposes of this section, a pupil shall be considered to
12 be enrolled in a grade immediately upon completion of the
13 preceding grade. Supplemental instruction may also be offered to
14 a pupil who was enrolled in grade 12 during the prior school year.

15 (d) For the purposes of this section, pupils who do not possess
16 sufficient English language skills to be assessed, as set forth in
17 Sections 60850 and 60853, shall be considered pupils who do not
18 demonstrate sufficient progress towards passing the exit
19 examination required for high school graduation and shall receive
20 supplemental instruction designed to assist the pupils to succeed
21 on the high school exit examination.

22 (e) Instructional programs may be offered pursuant to this
23 section during the summer, before school, after school, on
24 Saturday, or during intersession, or in any combination of summer,
25 before school, after school, Saturday, or intersession instruction,
26 but shall be in addition to the regular schoolday. Any minor pupil
27 whose parent or guardian informs the school district that the pupil
28 is unable to attend a Saturday school program for religious
29 reasons, or any pupil 18 years of age or older who states that he or
30 she is unable to attend a Saturday school program for religious
31 reasons, shall be given priority for enrollment in supplemental
32 instruction offered at a time other than Saturday over a pupil who
33 is not unable to attend a Saturday school program for religious
34 reasons.

35 (f) A school district offering supplemental instructional
36 programs pursuant to this section shall receive funding as
37 described in Section 42239 and in the annual Budget Act.

38 (g) Notwithstanding any other provision of law, neither the
39 State Board of Education nor the Superintendent of Public
40 Instruction may waive any provision of this section.

1 SEC. 8. Section 37252.9 is added to the Education Code, to
2 read:

3 37252.9. (a) A charter school maintaining any or all of
4 grades 7 to 12, inclusive, may offer supplemental instructional
5 programs for pupils enrolled in grades 7 to 12, inclusive, who do
6 not demonstrate sufficient progress toward passing the exit
7 examination required for high school graduation pursuant to
8 Chapter 8 (commencing with Section 60850) of Part 33.

9 (b) Sufficient progress, as described in subdivision (a), shall be
10 determined on the basis of either of the following:

11 (1) The results of the assessments administered pursuant to
12 Article 4 (commencing with Section 60640) of Chapter 5 of Part
13 33 and the minimum levels of proficiency recommended by the
14 State Board of Education pursuant to Section 60648.

15 (2) The pupils' grades and other indicators of academic
16 achievement designated by the charter school.

17 (c) For purposes of this section, a pupil shall be considered to
18 be enrolled in a grade immediately upon completion of the
19 preceding grade. Supplemental instruction may also be offered to
20 a pupil who was enrolled in grade 12 during the prior school year.

21 (d) For the purposes of this section, pupils who do not possess
22 sufficient English language skills to be assessed, as set forth in
23 Sections 60850 and 60853, shall be considered pupils who do not
24 demonstrate sufficient progress towards passing the exit
25 examination required for high school graduation and shall receive
26 supplemental instruction designed to assist the pupils in
27 succeeding on the high school exit examination.

28 (e) No instructional programs may be offered pursuant to this
29 section on any day for which the charter school claims attendance
30 for the purpose of receiving base revenue limit funding pursuant
31 to Section 47613.1 or block grant funding as set forth in Chapter
32 6 (commencing with Section 47630) of Part 26.8. *However,*
33 *instructional programs may be offered pursuant to this section for*
34 *pupils enrolled in a multi-track, year-round program on days when*
35 *the school's instructional day meets the minimum instructional day*
36 *requirements for each applicable grade level as provided in Article*
37 *2 (commencing with Section 46110) and Article 3 (commencing*
38 *with Section 46140) of Chapter 2 of Part 26. Instructional*
39 *programs offered pursuant to this section for pupils enrolled in*
40 *multi-track year-round programs may be offered during the*

1 *summer, before school, after school, on Saturday, or during*
2 *intersession, or in any combination of summer, before school, after*
3 *school, Saturday, or intersession instruction, but shall be in*
4 *addition to the charter school's regular schoolday. Any minor*
5 *pupil whose parent or guardian informs the charter school that the*
6 *pupil is unable to attend a Saturday school program for religious*
7 *reasons, or any pupil 18 years of age or older who states that he or*
8 *she is unable to attend a Saturday school program for religious*
9 *reasons, shall be given priority for enrollment in supplemental*
10 *instruction offered at a time other than Saturday over a pupil who*
11 *is not unable to attend a Saturday school program for religious*
12 *reasons.*

13 SEC. 9. Section 37252.10 is added to the Education Code to
14 read:

15 37252.10. (a) A charter school may offer supplemental
16 instructional programs in mathematics, science, or other core
17 academic areas designated by the Superintendent of Public
18 Instruction.

19 (b) The Superintendent of Public Instruction shall adopt rules
20 and regulations necessary to implement this section, including, but
21 not limited to, the designation of academic areas other than
22 mathematics and science as core academic areas.

23 (c) No instructional programs may be offered pursuant to this
24 section on any day for which the charter school claims attendance
25 for the purpose of receiving base revenue limit funding pursuant
26 to Section 47613.1 or block grant funding as set forth in Chapter
27 6 (commencing with Section 47630) of Part 26.8. Any minor pupil
28 whose parent or guardian informs the charter school that the pupil
29 is unable to attend a Saturday school program for religious
30 reasons, or any pupil 18 years of age or older who states that he or
31 she is unable to attend a Saturday school program for religious
32 reasons, shall be given priority for enrollment in supplemental
33 instruction offered at a time other than Saturday over a pupil who
34 is not unable to attend a Saturday school program for religious
35 reasons.

36 SEC. 10. Section 37252.11 is added to the Education Code, to
37 read:

38 37252.11. For the ~~2001-02~~ 2002-03 fiscal year, and each
39 fiscal year thereafter, the Superintendent of Public Instruction
40 shall compute funding for supplemental instruction claimed

1 pursuant to Sections 37252.9 and 37252.10 for each charter school
2 in the following manner:

3 (a) Divide the number of pupil hours of supplemental
4 instruction provided pursuant to 37252.9 and 37252.10 by 20.

5 (b) Round the figure computed in subdivision (a) down to the
6 nearest whole number.

7 (c) Multiply the number of pupil hours of instruction specified
8 in subdivision (b) by the hourly rate provided in subdivision (c) of
9 Section 42239 multiplied by 20.

10 (d) The maximum entitlement of a charter school for
11 reimbursement for pupil hours of attendance in supplemental
12 instructional programs offered pursuant to this section shall be an
13 amount equal to 15 percent of the total enrollment of the charter
14 school for the prior year multiplied by 120 hours multiplied by the
15 hourly rate for the current fiscal year, as determined pursuant to
16 subdivision (c) of Section 42239.

17 (e) For purposes of this section, charter schools are not required
18 to account for attendance on an hourly basis. A pupil attending any
19 portion of a supplemental instructional day shall be credited with
20 attendance for the entire period in which the pupil is enrolled for
21 that day.

22 (f) A charter school offering supplemental instructional
23 programs pursuant to Sections 37252.9 and 37252.10 shall receive
24 funding as described in this section and in the annual Budget Act.

25 SEC. 11. Section 37253 of the Education Code is amended to
26 read:

27 37253. (a) The governing board of any school district may
28 offer supplemental instructional programs in mathematics,
29 science, or other core academic areas designated by the
30 Superintendent of Public Instruction.

31 (b) The Superintendent of Public Instruction shall adopt rules
32 and regulations necessary to implement this section, including, but
33 not limited to, the designation of academic areas other than
34 mathematics and science as core academic areas.

35 (c) The maximum entitlement of a school district for
36 reimbursement for pupil hours of attendance in supplemental
37 instructional programs offered pursuant to this section shall be an
38 amount equal to 7 percent of the total enrollment of the school
39 district or charter school for the prior fiscal year multiplied by 120



hours, multiplied by the hourly rate for the current fiscal year, as determined pursuant to subdivision (c) of Section 42239.

(d) To the extent appropriated funding allows, a school district may enroll more than 7 percent of its pupils, or may enroll pupils for more than 120 hours per year, in supplemental instructional programs offered pursuant to this section, if the total state apportionment to the district for these programs does not exceed an amount computed equal to 10 percent of the total enrollment of the school district for the prior fiscal year multiplied by 120 hours, multiplied by the hourly rate for the current fiscal year, as determined pursuant to subdivision (c) of Section 42239.

(e) Instructional programs may be offered pursuant to this section during the summer, before school, after school, on Saturday, or during intersession, or in any combination of summer, before school, after school, Saturday, or intersession instruction, but shall be in addition to the regular schoolday. Any minor pupil whose parent or guardian informs the school district that the pupil is unable to attend a Saturday school program for religious reasons, or any pupil 18 years of age or older who states that he or she is unable to attend a Saturday school program for religious reasons, shall be given priority for enrollment in supplemental instruction offered at a time other than Saturday, over a pupil who is not unable to attend a Saturday school program for religious reasons.

(f) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

~~SEC. 12.—Section 42238.12 of the Education Code is amended to read:~~

~~42238.12.—For the 1995–96 fiscal year and each fiscal year thereafter, the county superintendent of schools shall adjust the total revenue limit for each school district in the jurisdiction of the county superintendent of schools by the amount of increased or decreased employer contributions to the Public Employees’ Retirement System resulting from the enactment of Chapter 330 of the Statutes of 1982, adjusted for any changes in those contributions resulting from subsequent changes in employer contribution rates, excluding rate changes due to the direct transfer of the state-mandated portion of the employer contributions to the Public Employees’ Retirement System, through the current fiscal~~

1 year. The adjustment shall be calculated for each school district,
2 as follows:

3 (a) ~~Determine the amount of employer contributions that~~
4 ~~would have been made in the current fiscal year if the applicable~~
5 ~~Public Employees' Retirement System employer contribution rate~~
6 ~~in effect immediately prior to the enactment of Chapter 330 of the~~
7 ~~Statutes of 1982 were in effect during the current fiscal year.~~

8 For the purposes of this calculation, no school district shall have
9 a contribution rate higher than 13.020 percent.

10 (b) ~~Determine the actual amount of employer contributions~~
11 ~~made to the Public Employees' Retirement System in the current~~
12 ~~fiscal year.~~

13 (c) ~~If the amount determined in subdivision (a) for a school~~
14 ~~district is greater than the amount determined in subdivision (b),~~
15 ~~the total revenue limit computed for that school district shall be~~
16 ~~decreased by the amount of the difference between those~~
17 ~~subdivisions; or, if the amount determined in subdivision (a) for~~
18 ~~a school district is less than the amount determined in subdivision~~
19 ~~(b), the total revenue limit for that school district shall be increased~~
20 ~~by the amount of the difference between those subdivisions.~~

21 (d) ~~For the purpose of this section, employer contributions to~~
22 ~~the Public Employees' Retirement System for any of the following~~
23 ~~positions shall be excluded from the calculation specified above:~~

24 (1) ~~Positions or portions of positions supported by federal~~
25 ~~funds that are subject to supplanting restrictions.~~

26 (2) ~~Positions supported by funds received pursuant to Section~~
27 ~~42243.6.~~

28 (3) ~~Positions supported, to the extent of employers~~
29 ~~contributions not exceeding twenty-five thousand dollars~~
30 ~~(\$25,000) by any single educational agency, from a non-General~~
31 ~~Fund revenue source determined to be properly excludable from~~
32 ~~this section by the Superintendent of Public Instruction with the~~
33 ~~approval of the Director of Finance.~~

34 (e) ~~For accounting purposes, any reduction to district revenue~~
35 ~~limits made by this provision may be reflected as an expenditure~~
36 ~~from appropriate sources of revenue as directed by the~~
37 ~~Superintendent of Public Instruction.~~

38 (f) ~~The amount of the increase or decrease to the revenue limits~~
39 ~~of school districts computed pursuant to subdivision (c) for the~~
40 ~~1995-96 fiscal year or any fiscal year thereafter shall not be~~

~~adjusted by the deficit factor applied to the revenue limit of each school district pursuant to Section 42238.145.~~

SEC. 12. Section 42238.125 is added to the Education Code, immediately following Section 42238.12 of the Education Code to read:

42238.125. The calculations set forth in subdivisions (a), (b), and (c) of Section 42238.12 shall exclude employer contributions for employees of charter schools funded pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8.

(g) The calculations set forth in subdivisions (a), (b), and (c) shall exclude employer contributions for employees of charter schools funded pursuant to Article 2 (commencing with Section 47633) of Chapter 6 of Part 26.8.

SEC. 13. Section 42238.146 of the Education Code, as proposed to be added by Senate Bill 347 of the 2000–2001 Regular Session, is repealed.

~~42238.146. Notwithstanding any other provision of law, for purposes of Sections 14002, 14004, and 41301, for the 2000–01 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall certify to the Controller amounts that do not exceed the amounts needed to fund the revenue limits of school districts, as determined pursuant to Section 42238, the revenue limits of county superintendents of schools, as determined pursuant to Section 2558, and the revenue limit portion of charter school operational funding, as determined pursuant to Section 47633.~~

SEC. 14. Section 42241.7 of the Education Code is amended to read:

42241.7. (a) For the 1978–79 fiscal year, and each fiscal year thereafter, the revenue limit of any elementary, high, or unified school district authorized pursuant to Sections 42237 and 42238 may be increased by an amount sufficient to provide additional revenue equal to the expenditures estimated to be incurred by the district in the budget year in complying with the following provisions of the Unemployment Insurance Code: Sections 605 and 803, Article 6 (commencing with Section 821) of Chapter 3 of Part 1 of Division 1, or Article 3 (commencing with Section 976) of Chapter 4 of Part 1 of Division 1, less the actual expenditures incurred by the district in the 1975–76 fiscal year in complying with the following provisions of the Unemployment

1 Insurance Code: Section 605.2 and Article 6 (commencing with
2 Section 821) of Chapter 3 of Part 1 of Division 1.

3 (b) If, at the end of any fiscal year, the actual expenditures of
4 the district specified in subdivision (a) are less than the revenue
5 derived from the increase in revenue limit provided in subdivision
6 (a) for that fiscal year, the difference shall be used in the following
7 fiscal year exclusively for expenditures required pursuant to the
8 Unemployment Insurance Code provisions specified in
9 subdivision (a).

10 (c) If, at the end of any fiscal year, the actual expenditures of
11 the district specified in subdivision (a) exceed the revenue derived
12 from the increase in revenue limit provided in subdivision (a) for
13 that fiscal year, the difference may be added to the increase in
14 revenue limit, authorized pursuant to this section, in the following
15 fiscal year.

16 (d) Commencing with the 1994–95 fiscal year and each fiscal
17 year thereafter, the adjustment computed pursuant to this section
18 shall not be adjusted by the deficit factor applied to the revenue
19 limit of each school district pursuant to Section 42238.145.

20 (e) Expenditures for employees of charter schools funded
21 pursuant to Article 2 (commencing with Section 47633) of
22 Chapter 6 of Part 26.8 shall be excluded from the calculations set
23 forth in this section.

24 ~~SEC. 14.—~~

25 *SEC. 15.* Section 62 of Chapter 78 of the Statutes of 1999, as
26 amended by Chapter 76 of the Statutes of 2000, is amended to read:

27 62. Notwithstanding any other provision of law, for the
28 purposes of Sections 14002, 14004, and 41301 of the Education
29 Code for the 2000–01 fiscal year the Superintendent of Public
30 Instruction shall certify to the Controller amounts that do not
31 exceed the amounts needed to fund the revenue limits of school
32 districts, as determined pursuant to Section 42238 of the Education
33 Code, and the revenue limits of county superintendents of schools
34 as determined pursuant to Section 2558 of the Education Code as
35 adjusted by the deficit factors applicable to the 2000–01 fiscal
36 year, and the revenue limit portion of charter school operational
37 funding as determined pursuant to Section 47633 of the Education
38 Code.

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